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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/930,129  | 08/16/2001  | Toru Shibusawa       | 042204              | 1252             |
| 38834   | 7590        | 06/29/2005           | EXAMINER            |                  |
| WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP<br>1250 CONNECTICUT AVENUE, NW<br>SUITE 700<br>WASHINGTON, DC 20036 |             |                      | TSE, YOUNG TOI      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2637                |                  |

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/930,129

Applicant(s)

SHIBUSAWA, TORU

Examiner

YOUNG T. TSE

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 3-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 052002.020403, 103003, 110404
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed May 20, 2002, February 04, 2003, and November 04, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Applicant note, the two U.S. Patents filed on May 20, 2002 and the GB 2310979A patent filed on November 04, 2004 have not been considered by the examiner because they are the duplication of the patents already filed on May 20, 2002. Further, the foreign patent documents have not been considered by the examiner because only a first page of each patent document has been received by the Patent Office.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21, line 13, the phrase "the detection" is indefinite since all of the detector, the controller, and the comparator perform their own detection function. In other words, it is unclear which of the detection is reference to.

In claim 22, lines 6-7, the phrase "a video display/audio output unit" is indefinite since it is unclear the "/" means "or" or "and". Further, the Applicant is requested to clarify the difference between "a video display/audio output unit" and "a video recorder" since a first path for introducing a signal inputted a report signal while a second path for not inputted the report signal.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hori et al..

Hori et al. (U.S. Patent No. 5,276,714) discloses a MUSE sound decoder in a broadcasting receiver (Figure 5) detects a broadcasting/non-broadcasting identification

flag include in the control signals in an applied MUSE signal to determine whether the MUSE signal is broadcasted or non-broadcasted.

With respect to claims 1 and 2, the detector which may be the broadcasting/non-broadcasting determination circuit 38, or the frame synchronization protection circuit 39, or the frame synchronization detection circuit 34 for detecting the receiving condition of a broadcasting wave and the detected signal may be later used for reporting one of video and audio that the receiving condition is degraded in a stage where the degradation of the receiving condition of broadcasting wave has or has not exceeded an error correctable range (col. 3, line 64 to col. 3, line 14 and col. 4, lines 23-39).

Although Hori does not explicitly show or suggest that a receiving condition reporting circuit is used for reporting the broadcast detection signal. It would have been obvious to one of a person skill in the art would know by using, for example, a display to display the error correction range in a detector circuit in order to determine whether the broadcasting signal meet a certain criterion in the broadcasting wave.

With respect to claim 22, a first path for introducing a signal inputted a report signal representing a degradation of a receiving condition of a broadcasting wave is received and determined by the broadcasting determination circuit 38 and a second path for introducing a signal not inputted the report signal is received and determined by the non-broadcasting determination circuit 38. Also see col. 3, line 64 to col. 3, line 14 and col. 4, lines 23-39. Again, as mentioned in claim 1 above, Hori does not explicitly show or suggest by using video display or a video recorder for the reported signal in the paths. For the same reasons set forth described in claim 1 above, it would have been

obvious to one of a person skill in the art would know by using, for example, a display or displays to display the reported signal condition of the broadcasting and non-broadcasting paths in order to determine which path has the broadcasting wave and which path does not have the broadcasting wave.

***Allowable Subject Matter***

7. Claims 3-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

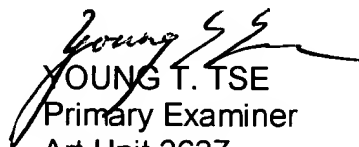
9. The following is a statement of reasons for the indication of allowable subject matter: Suenaga is related to a digital broadcast radio wave received by a digital broadcast reception antenna is detected and demodulated in an analog demodulator circuit and supplied the demodulated signal to a digital demodulator circuit. However, the prior art fails to show or suggest that the receiving condition reporting circuit comprises the combination elements of a noise generator, an adder, and a controller for controlling at least the adder on the basis of the results of the detection by the detector. Or the receiving condition reporting circuit is operated for a predetermined time period at predetermined timing from the time when the viewing of broadcasting is started to the time when it is determined.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is (571) 272-3051. The examiner can normally be reached on Monday and Wednesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

However, starting July 15, 2005, the Central FAX Number will change to (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
YOUNG T. TSE  
Primary Examiner  
Art Unit 2637